

HOUSE BILL No. 1378

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-6-15; IC 10-13; IC 12-10-18-3; IC 12-17.2; IC 16-37-1; IC 20-26-13-10; IC 20-33-2-10; IC 31-34; IC 31-36; IC 34-30-2; IC 35-38-2-2.3; IC 35-44.1-2-3.

Synopsis: Missing and unidentified persons. Creates the Indiana missing and unidentified persons unit (unit) within the attorney general's office. Repeals the Indiana clearinghouse for information on missing children and missing endangered adults (clearinghouse). Transfers the duties of the clearinghouse to the unit. Expands abducted children and missing endangered adult laws to include all people. Requires the superintendent of the state police department to establish a DNA data base, and allows the unit access to the DNA data base. (Current law allows the superintendent to establish the data base.)

Effective: July 1, 2015.

Bartlett

January 14, 2015, read first time and referred to Committee on Government and Regulatory Reform.



First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1378

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-6-15 IS ADDED TO THE INDIANA CODE AS
2 A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2015]:

4 **Chapter 15. Missing and Unidentified Persons Unit**

5 **Sec. 1. As used in this chapter, "Amber alert program" means**
6 **a program under which the unit transmits information about a**
7 **recently abducted person to broadcasters that:**

8 (1) have agreed to participate in the program; and

9 (2) broadcast the information immediately and repeatedly to
10 the general public.

11 **Sec. 2. As used in this chapter, "broadcaster" means the**
12 **operator of a radio or television station.**

13 **Sec. 3. As used in this chapter, "missing child" means a person**
14 **less than eighteen (18) years of age who:**

15 (1) is, or is believed to be:



- (A) a temporary or permanent resident of Indiana;
 - (B) at a location that cannot be determined by the person's parent or legal custodian; and
 - (C) reported missing to a law enforcement agency; or
- (2) is, or is believed to be:

- (A) a temporary or permanent resident of Indiana; and
- (B) a victim of the offense of criminal confinement (IC 35-42-3-3) or interference with custody (IC 35-42-3-4).

Sec. 4. As used in this chapter, "missing endangered adult" means an adult who is a high risk missing person under the definition set forth in IC 5-2-17-1.

Sec. 5. As used in this chapter, "missing person" means a person of any age who:

- (1) is, or is believed to be:
 - (A) a temporary or permanent resident of Indiana; and
 - (B) reported missing to a law enforcement agency; or
- (2) is, or is believed to be:
 - (A) a temporary or permanent resident of Indiana; and
 - (B) a victim of the offense of criminal confinement (IC 35-42-3-3).

Sec. 6. As used in this chapter, "silver alert program" means a program under which the unit transmits information about missing endangered adults to broadcasters that:

- (1) have agreed to participate in the program; and
- (2) broadcast the information immediately and repeatedly to the general public.

Sec. 7. As used in this chapter, "unit" refers to the Indiana missing and unidentified persons unit established by section 8 of this chapter.

Sec. 8. The Indiana missing and unidentified persons unit is established within the office of the attorney general.

Sec. 9. (a) The attorney general shall designate staff responsible for the operation of the unit.

(b) Duties of the staff include the following:

- (1) Creation and operation of an intrastate network of communication designed for the speedy collection and processing of information concerning missing and unidentified persons.
- (2) Creation and operation of a central data storage, retrieval, and information distribution system designed for the exchange of information concerning missing and unidentified persons within and outside Indiana. The system must be



capable of interacting with:

(A) the Indiana data and communication system under IC 10-13-3-35; and

(B) the National Crime Information Center (NCIC).

(3) Development of appropriate forms for the reporting of missing and unidentified persons that may be used by law enforcement agencies and private citizens to provide useful information about a missing or unidentified person to the unit.

(4) Cooperation with the following agencies concerning the location of missing persons:

(A) State and local public and private nonprofit agencies involved with the location and recovery of missing persons.

(B) Agencies of the federal government.

(C) State and local law enforcement agencies within and outside Indiana.

(5) Coordinating efforts to locate missing persons with the agencies listed in subdivision (4).

(6) Operation of the statewide toll free telephone line created under section 10(a) of this chapter.

(7) Publishing and updating, on a quarterly basis, a directory of missing and unidentified persons.

(8) Compiling statistics on missing and unidentified persons cases handled by the unit, including the number of cases resolved each year.

(9) Monitoring the Indiana DNA data base as required by IC 10-13-6-8(g).

Sec. 10. (a) The unit shall do the following:

(1) Collect, process, and maintain identification and investigative information to aid in finding missing persons and to identify unidentified persons, including:

(A) identification of physical characteristics such as hair color, eye color, height, weight, and other identifiers such as clothing, jewelry, scars, and tattoos; and

(B) dental identification.

(2) Establish a statewide toll free telephone line for the reporting:

(A) of missing persons;

(B) of sightings of missing persons; and

(C) of information concerning unidentified persons.

(3) Prescribe a uniform reporting form concerning missing and unidentified persons for use by law enforcement agencies



within Indiana.

(4) Assist in training law enforcement and other professionals on issues relating to missing and unidentified persons.

(5) Operate a resource center of information regarding the prevention of:

(A) the abduction of people, including children; and

(B) the sexual exploitation of people, including children.

(6) Distribute the quarterly directory prepared under section 9(b)(7) of this chapter to schools and hospitals.

(7) Distribute the quarterly directory described in subdivision (6) to child care centers and child care homes that make an annual contribution of four dollars (\$4) to the unit. The contributions must be used to help defray the cost of publishing the quarterly directory.

(b) For a missing child who was born in Indiana, the unit shall notify the vital statistics division of the state department of health:

(1) within fifteen (15) days after receiving a report under IC 31-36-1-3 (or IC 31-6-13-4 before its repeal) of a missing child less than thirteen (13) years of age; and

(2) promptly after the unit is notified that a missing child has been found.

(c) Upon receiving notification under subsection (b) that a child is missing or has been found, the vital statistics division of the state department of health shall notify the local health department or the health and hospital corporation that has jurisdiction over the area where the child was born.

(d) Information collected, processed, or maintained by the unit under subsection (a) is confidential and is not subject to IC 5-14-3, but may be disclosed by the unit for purposes of locating missing and unidentified persons.

Sec. 11. (a) The unit shall operate an Amber alert program and a silver alert program.

(b) Upon the establishment of an Amber alert program and a silver alert program, the unit may enter into an agreement with one (1) or more broadcasters to operate the Amber alert program and the silver alert program under this chapter.

(c) The attorney general shall designate staff responsible for the operation of the Amber alert program and the silver alert program.

(d) The office of the attorney general shall adopt guidelines governing the unit's operation of the Amber alert program and the silver alert program. The guidelines of the office of the attorney



1 general may require that staff, upon receiving a report that a
 2 person has been abducted or that an endangered adult is missing,
 3 immediately send by facsimile transmission or other means of
 4 communication a description of the abducted person or missing
 5 endangered adult to one (1) or more broadcasters participating in
 6 the Amber alert program or the silver alert program. The
 7 guidelines must include criteria that the unit shall use in
 8 determining whether to issue a silver alert and the geographic area
 9 or region in which to issue the silver alert.

10 (e) A broadcaster participating in the Amber alert program or
 11 the silver alert program shall broadcast immediately:

12 (1) a description of the abducted person or missing
 13 endangered adult; and

14 (2) other information that will assist in locating the abducted
 15 person or missing endangered adult;

16 to the general public in accordance with the Amber alert program
 17 agreement or the silver alert program agreement between the unit
 18 and the broadcaster.

19 (f) The office of the attorney general shall adopt guidelines
 20 governing the Amber alert program agreement and the silver alert
 21 program agreement between the unit and a broadcaster. An
 22 agreement between the unit and the broadcaster may include the
 23 following provisions:

24 (1) Upon receiving a notification as part of the Amber alert
 25 program or the silver alert program, the broadcaster shall
 26 broadcast the information contained in the notice on an
 27 intermittent basis for a period as provided in the agreement
 28 between the unit and the broadcaster.

29 (2) The broadcaster shall treat the Amber alert notification or
 30 the silver alert notification as an emergency.

31 (3) The broadcaster shall ensure that the facsimile
 32 transmission machine or other communications device used
 33 to receive an Amber alert notification or a silver alert
 34 notification is:

35 (A) generally available to receive an Amber alert
 36 notification or a silver alert notification; and

37 (B) located such that the broadcaster will immediately
 38 become aware of an incoming Amber alert notification or
 39 silver alert notification.

40 Sec. 12. (a) In addition to an agreement with a broadcaster
 41 under section 11 of this chapter, the unit may enter into an
 42 agreement with one (1) or more electronic billboard operators to



1 display Amber alerts or silver alerts under this section. An
 2 agreement under this section may include a limitation on the days
 3 and times that the electronic billboard operator is required to have
 4 staff present to receive an Amber alert notification or a silver alert
 5 notification.

6 (b) The office of the attorney general guidelines adopted under
 7 section 11 of this chapter may require staff, upon receiving a
 8 report that a person has been abducted or that an endangered
 9 adult is missing, to send immediately by facsimile transmission or
 10 other means of communication a description of the abducted
 11 person or missing endangered adult to one (1) or more electronic
 12 billboard operators participating in the Amber alert program or
 13 the silver alert program, if the Amber alert or the silver alert
 14 occurs during a period when the electronic billboard operator has
 15 agreed to have staff present to receive an Amber alert notification
 16 or a silver alert notification.

17 (c) An electronic billboard operator participating in the Amber
 18 alert program or the silver alert program shall display
 19 immediately:

- 20 (1) a description of the abducted person or missing
- 21 endangered adult; and
- 22 (2) other information that will assist in locating the abducted
- 23 person or missing endangered adult;

24 to the general public in accordance with the Amber alert program
 25 agreement or the silver alert program agreement between the unit
 26 and the electronic billboard operator.

27 (d) The office of the attorney general shall adopt guidelines
 28 governing the Amber alert program and the silver alert program
 29 agreements between the unit and an electronic billboard operator.
 30 An agreement between the unit and the electronic billboard
 31 operator may include the following provisions:

- 32 (1) Upon receiving a notification as part of the Amber alert
- 33 program or the silver alert program, the electronic billboard
- 34 operator shall display the information contained in the notice
- 35 on an intermittent basis for a period as provided in the
- 36 agreement between the unit and the electronic billboard
- 37 operator.
- 38 (2) The electronic billboard operator shall treat the Amber
- 39 alert notification or the silver alert notification as an
- 40 emergency.
- 41 (3) The electronic billboard operator shall ensure that the
- 42 facsimile transmission machine or other communications



device used to receive an Amber alert notification or a silver alert notification is:

(A) generally available to receive an Amber alert notification or a silver alert notification; and

(B) located such that the electronic billboard operator will become aware immediately of an incoming Amber alert notification or a silver alert notification received during days and times when staff is present to receive an Amber alert notification or a silver alert notification.

Sec. 13. (a) A broadcaster or an electronic billboard operator that has agreed to participate in the Amber alert program or the silver alert program and that:

(1) receives an Amber alert notification or a silver alert notification from the office of the attorney general; and

(2) broadcasts or displays:

(A) a description of the abducted person or missing endangered adult contained in the notification; and

(B) other information contained in the notification that will assist in locating the abducted person or missing endangered adult;

is immune from civil liability based on the broadcast or display of the information received from the office of the attorney general.

(b) If:

(1) a person enters into an agreement with the office of the attorney general to establish or maintain an Amber alert Internet web site or a silver alert Internet web site; and

(2) the agreement provides that only the office of the attorney general has the ability to place information on the Internet web site;

the person is immune from civil liability for the information placed on the Internet web site by the office of the attorney general. However, this subsection does not affect the applicability of IC 34-13-3 to the office of the attorney general.

Sec. 14. If a missing child is found, the child's parent or legal custodian shall notify the law enforcement agency that received the missing child notification under IC 31-36 (or IC 31-6-13 before its repeal).

Sec. 15. (a) Upon receiving notification from a parent or legal custodian that a missing child or missing person has been found, a law enforcement agency shall immediately notify the unit.

(b) Not later than sixty (60) days after the law enforcement agency described in subsection (a) complies with the requirements



1 under federal law for periodic updates of the entries made to the
 2 National Crime Information Center (NCIC) concerning a missing
 3 person, the law enforcement agency described in subsection (a)
 4 shall review reports made to the unit and update the information.

5 Sec. 16. (a) Upon receiving notification of a missing child under
 6 section 10 of this chapter, the vital statistics division of the state
 7 department of health and the appropriate local health department
 8 or health and hospital corporation shall attach a notice to the
 9 child's birth certificate stating that the child has been reported
 10 missing. The notice must remain attached to the birth certificate
 11 until notification is received under section 10 of this chapter that
 12 the missing child has been found.

13 (b) If a request for a copy of the birth certificate of a child is
 14 received, the vital statistics division of the state department of
 15 health and the appropriate local health department or health and
 16 hospital corporation shall require the person making the request
 17 to submit an application for the birth certificate that includes:

- 18 (1) the date of the request;
- 19 (2) the name, address, and telephone number of the person
- 20 making the request; and
- 21 (3) the signature of the person making the request.

22 (c) If a notice that a child is missing has been attached to the
 23 birth certificate under subsection (a), the vital statistics division of
 24 the state department of health and the appropriate local health
 25 department or health and hospital corporation immediately shall
 26 notify the unit of the information contained in the application.

27 (d) A copy of the birth certificate of a missing child to which a
 28 notice has been attached under subsection (a) may not be issued
 29 without authorization from the unit.

30 Sec. 17. This chapter does not authorize the use of the federal
 31 emergency alert system unless otherwise authorized by federal law.

32 SECTION 2. IC 10-13-3-35 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 35. (a) On a daily basis,
 34 all law enforcement agencies shall enter into the Indiana data and
 35 communication system (IDACS) computer the following:

- 36 (1) All information concerning stolen or recovered property,
- 37 including the following:
- 38 (A) Motor vehicles.
- 39 (B) Firearms.
- 40 (C) Securities.
- 41 (D) Boats.
- 42 (E) License plates.



- 1 (F) Other stolen or recovered property.
- 2 (2) All information concerning fugitives charged with a crime,
- 3 including information concerning extradition.
- 4 (3) All information concerning runaways, missing **persons (as**
- 5 **defined in IC 4-6-15-5)**, and unidentified persons, and missing
- 6 children (as defined in ~~IC 10-13-5-4~~; **IC 4-6-15-3**), including
- 7 information concerning the release of those persons to the custody
- 8 of a parent or guardian.
- 9 (4) Information contained in a protective order, including any
- 10 modifications or extensions issued by a court and filed with a law
- 11 enforcement agency as required in IC 5-2-9-6(f).
- 12 (b) On a daily basis, all law enforcement agencies shall do the
- 13 following:
- 14 (1) Enter all information concerning missing children (as defined
- 15 in ~~IC 10-13-5-4~~ **IC 4-6-15-3**) **and missing persons (as defined**
- 16 **in IC 4-6-15-5)** into the National Crime Information Center's
- 17 Missing Person File.
- 18 (2) Enter all information concerning warrants issued for a person
- 19 who allegedly abducted or unlawfully retained a missing child
- 20 into the National Crime Information Center's Wanted Person File.
- 21 (3) Enter all information concerning unidentified persons into the
- 22 National Crime Information Center's Unidentified Person File.
- 23 (4) Enter all information concerning a protective order, a
- 24 workplace violence restraining order, or a no contact order
- 25 involving intimate partners into the National Crime Information
- 26 Center's (NCIC) Protection Order File if the order qualifies under
- 27 NCIC rules.
- 28 (c) If a protective order, a no contact order, or a workplace violence
- 29 restraining order is removed from a depository established under
- 30 IC 5-2-9, the law enforcement agency responsible for the depository
- 31 shall delete the information entered under subsection (a)(4) from the
- 32 Indiana data and communication system (IDACS) computer.
- 33 SECTION 3. IC 10-13-5 IS REPEALED [EFFECTIVE JULY 1,
- 34 2015]. (Indiana Clearinghouse for Information on Missing Children).
- 35 SECTION 4. IC 10-13-6-8, AS AMENDED BY P.L.142-2005,
- 36 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 37 JULY 1, 2015]: Sec. 8. (a) The superintendent ~~may~~ **shall** establish a
- 38 data base of DNA identification records of:
- 39 (1) convicted criminals;
- 40 (2) crime scene specimens;
- 41 (3) unidentified missing persons; and
- 42 (4) close biological relatives of missing persons.



(b) The superintendent shall maintain the Indiana DNA data base.

(c) The superintendent may contract for services to perform DNA analysis of convicted offenders under section 10 of this chapter to assist federal, state, and local criminal justice and law enforcement agencies in the putative identification, detection, or exclusion of individuals who are subjects of an investigation or prosecution of a sex offense, a violent crime, or another crime in which biological evidence is recovered from the crime scene.

(d) The superintendent:

(1) may perform or contract for performance of testing, typing, or analysis of a DNA sample collected from a person described in section 10 of this chapter at any time; and

(2) shall perform or contract for the performance of testing, typing, or analysis of a DNA sample collected from a person described in section 10 of this chapter if federal funds become available for the performance of DNA testing, typing, or analysis.

(e) The superintendent shall adopt rules under IC 4-22-2 necessary to administer and enforce the provisions and intent of this chapter.

(f) The detention, arrest, or conviction of a person based on a data base match or data base information is not invalidated if a court determines that the DNA sample was obtained or placed in the Indiana DNA data base by mistake.

(g) The Indiana missing and unidentified persons unit established by IC 4-6-15-8 shall have access to all information in the Indiana DNA data base.

SECTION 5. IC 10-14-3-0.6, AS ADDED BY P.L.172-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 0.6. As used in this chapter, "broadcaster" ~~has the meaning set forth in IC 10-13-5-2.~~ **means the operator of a radio or television station.**

SECTION 6. IC 12-10-18-3, AS AMENDED BY P.L.43-2009, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) Upon completion of the report described by section 1 of this chapter, if the law enforcement agency has reason to believe that public notification may assist in locating the missing endangered adult, the law enforcement agency may immediately forward the contents of the report to:

(1) all law enforcement agencies that have jurisdiction in the location where the missing endangered adult lives and all law enforcement agencies that have jurisdiction in the location where the missing endangered adult was last seen;

(2) all law enforcement agencies to which the person who made



1 the notification concerning the missing endangered adult requests
 2 the report be sent, if the law enforcement agency determines that
 3 the request is reasonable in light of the information received;
 4 (3) all law enforcement agencies that request a copy of the report;
 5 (4) one (1) or more broadcasters that broadcast in an area where
 6 the missing endangered adult may be located;
 7 (5) the Indiana data and communication system (IDACS);
 8 (6) the National Crime Information Center's Missing Person File,
 9 if appropriate; and
 10 (7) the Indiana ~~clearinghouse for information on children and~~
 11 ~~missing endangered adults and unidentified persons unit~~
 12 established by ~~IC 10-13-5-5~~, **IC 4-6-15-8**, to disseminate
 13 information concerning the missing endangered adult to be
 14 broadcast as part of the silver alert program.

15 (b) Upon completion of the report described by section 1 of this
 16 chapter, a law enforcement agency may forward a copy of the contents
 17 of the report to one (1) or more newspapers distributed in an area
 18 where the missing endangered adult may be located.

19 (c) After forwarding the contents of the report to a broadcaster or
 20 newspaper under this section, the law enforcement agency may request
 21 that the broadcaster or newspaper:

22 (1) notify the public that there is an endangered adult medical
 23 alert; and

24 (2) broadcast or publish:

25 (A) a description of the missing endangered adult; and

26 (B) any other relevant information that would assist in locating
 27 the missing endangered adult.

28 (d) A broadcaster or newspaper that receives a request concerning
 29 a missing endangered adult under subsection (c) may, at the discretion
 30 of the broadcaster or newspaper:

31 (1) notify the public that there is an endangered adult medical
 32 alert; and

33 (2) broadcast or publish:

34 (A) a description of the missing endangered adult; and

35 (B) any other relevant information that would assist in locating
 36 the missing endangered adult.

37 SECTION 7. IC 12-17.2-2-1.5, AS AMENDED BY P.L.43-2009,
 38 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2015]: Sec. 1.5. (a) The division shall require all child care
 40 centers or child care homes to submit a report containing the names
 41 and birth dates of all children who are enrolled in the child care center
 42 or child care home within three (3) months from the date the child care



center or child care home accepts its first child, upon receiving the consent of the child's parent, guardian, or custodian as required under subsection (b). The division shall require all child care centers and child care homes that receive written consent as described under subsection (b) to submit a monthly report of the name and birth date of each additional child who has been enrolled in or withdrawn from the child care center or child care home during the preceding thirty (30) days.

(b) The division shall require all child care centers or child care homes to request whether the child's parent, guardian, or custodian desires the center or home to include the child's name and birth date in the reports described under subsection (a) before enrolling the child in the center or home. No child's name or birth date may be included on the report required under subsection (a) without the signed consent of the child's parent, guardian, or custodian. The consent form must be in the following form:

"I give my permission for _____ (name of day care center or home) to report the name and birth date of my child or children to the division of family resources pursuant to IC 12-17.2-2-1.5.

Name of child _____

Birth date _____

Signature of parent, guardian, or custodian _____

Date _____".

(c) The division shall submit a monthly report of the information provided under subsection (a) to the Indiana clearinghouse for information on missing children and missing endangered adults and unidentified persons unit established under IC 10-13-5. by IC 4-6-15-8.

(d) The division shall require that a person who transports children who are in the care of the child care center on a public highway (as defined in IC 9-25-2-4) within or outside Indiana in a vehicle designed and constructed for the accommodation of more than ten (10) passengers must comply with the same requirements set forth in IC 20-27-9-12 for a public elementary or secondary school or a preschool operated by a school corporation.

SECTION 8. IC 12-17.2-4-18.5, AS AMENDED BY P.L.43-2009, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 18.5. (a) Upon receiving a report under IC 31-36-1-4, a child care center shall thoroughly inspect the report. If the child care center finds that a child on the report required under



1 IC 31-36-1-4 is enrolled at the child care center, the child care center
 2 shall immediately notify the Indiana ~~clearinghouse for information on~~
 3 ~~missing children and missing endangered adults:~~ **and unidentified**
 4 **persons unit.**

5 (b) Upon receiving a report under IC 31-36-1-4, a child care center
 6 shall attach a notice to the child's enrollment records stating that the
 7 child has been reported missing. The child care center shall remove the
 8 notice when the center is notified under IC 31-36-2-6 that the child has
 9 been found.

10 (c) If a request for the enrollment records of a missing child is
 11 received, the child care center shall:

12 (1) obtain:

13 (A) the name, address, and telephone number of the person
 14 making the request; and

15 (B) the reason that the person is requesting the school records;
 16 and

17 (2) immediately notify the Indiana ~~clearinghouse for information~~
 18 ~~on missing children and missing endangered adults:~~ **and**
 19 **unidentified persons unit.**

20 (d) The child care center may not issue a copy of the enrollment
 21 records of a child reported missing without authorization from the
 22 Indiana ~~clearinghouse for information on missing children and missing~~
 23 ~~endangered adults and unidentified persons unit~~ and may not inform
 24 the person making the request that a notice that the child has been
 25 reported missing has been attached to the child's records.

26 SECTION 9. IC 12-17.2-5-18.6, AS AMENDED BY P.L.43-2009,
 27 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2015]: Sec. 18.6. (a) Upon receiving a report under
 29 IC 31-36-1-4, a child care home shall thoroughly inspect the report. If
 30 the child care home finds that a child on the report required under
 31 IC 31-36-1-4 is enrolled at the child care home, the child care home
 32 shall immediately notify the Indiana ~~clearinghouse for information on~~
 33 ~~missing children and missing endangered adults and unidentified~~
 34 **persons unit.**

35 (b) Upon receiving a report under IC 31-36-1-4, a child care home
 36 shall attach a notice to the child's enrollment records stating that the
 37 child has been reported missing. The child care home shall remove the
 38 notice when the center is notified under IC 31-36-2-6 that the child has
 39 been found.

40 (c) If a request for the enrollment records of a missing child is
 41 received, the child care home shall:

42 (1) obtain:



- 1 (A) the name, address, and telephone number of the person
 2 making the request; and
 3 (B) the reason that the person is requesting the school records;
 4 and
 5 (2) immediately notify the Indiana ~~clearinghouse for information~~
 6 ~~on missing children and missing endangered adults and~~
 7 **unidentified persons unit.**
 8 (d) The child care home may not issue a copy of the enrollment
 9 records of a child reported missing without authorization from the
 10 Indiana ~~clearinghouse for information on missing children and missing~~
 11 ~~endangered adults and unidentified persons unit~~ and may not inform
 12 the person making the request that a notice that the child has been
 13 reported missing has been attached to the child's records.
 14 SECTION 10. IC 16-37-1-2 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. The employee in
 16 charge of the division of the state department administering the system
 17 of vital statistics shall be known as the state registrar and shall do the
 18 following:
 19 (1) Keep the files and records pertaining to vital statistics.
 20 (2) Perform the duties prescribed by the state department.
 21 (3) Perform the duties required under ~~IC 10-13-5-11.~~
 22 **IC 4-6-15-16.**
 23 (4) Administer the putative father registry established by
 24 IC 31-19-5-2.
 25 (5) Maintain records of paternity determinations as provided by
 26 IC 31-14-9.
 27 SECTION 11. IC 16-37-1-8, AS AMENDED BY P.L.43-2009,
 28 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2015]: Sec. 8. (a) Except as provided in subsection (c), a local
 30 health officer shall provide a certification of birth, death, or stillbirth
 31 registration upon request by any person only if:
 32 (1) the health officer is satisfied that the applicant has a direct
 33 interest in the matter;
 34 (2) the health officer determines that the certificate is necessary
 35 for the determination of personal or property rights or for
 36 compliance with state or federal law; and
 37 (3) the applicant for a birth certificate presents at least one (1)
 38 form of identification.
 39 However, the local health officer must issue a certificate of an
 40 applicant's own birth registration.
 41 (b) A local health officer's decision whether or not to issue a
 42 certified copy of a birth certificate is subject to review by a court.



(c) A local health officer may not issue a copy of a birth certificate of a missing child to which a notice has been attached under ~~IC 10-13-5-11~~ **IC 4-6-15-16** without the authorization of the Indiana clearinghouse for information on missing children and missing endangered adults, and unidentified persons unit.

(d) Upon determination that a person may be provided a certification of death under subsection (a), the local health officer shall provide to the person a certification of death that excludes information concerning the cause of death if the person requests the exclusion of this information.

SECTION 12. IC 20-26-13-10, AS AMENDED BY P.L.268-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. Except as provided in section 11 of this chapter, the four (4) year graduation rate for a cohort in a high school is the percentage determined under STEP FIVE of the following formula:

STEP ONE: Determine the grade 9 enrollment at the beginning of the reporting year three (3) years before the reporting year for which the graduation rate is being determined.

STEP TWO: Add:

(A) the number determined under STEP ONE; and

(B) the number of students who:

(i) have enrolled in the high school after the date on which the number determined under STEP ONE was determined; and

(ii) have the same expected graduation year as the cohort.

STEP THREE: Subtract from the sum determined under STEP TWO the number of students who have left the cohort for any of the following reasons:

(A) Transfer to another public or nonpublic school.

(B) Except as provided in IC 20-33-2-28.6, removal by the student's parents under IC 20-33-2-28 to provide instruction equivalent to that given in the public schools.

(C) Withdrawal because of a long term medical condition or death.

(D) Detention by a law enforcement agency or the department of correction.

(E) Placement by a court order or the department of child services.

(F) Enrollment in a virtual school.

(G) Leaving school, if the student attended school in Indiana for less than one (1) school year and the location of the student



cannot be determined.

(H) Leaving school, if the location of the student cannot be determined and the student has been reported to the Indiana clearinghouse for information on missing children and missing endangered adults; **and unidentified persons unit.**

(I) Withdrawing from school before graduation, if the student is a high ability student (as defined in IC 20-36-1-3) who is a full-time student at an accredited institution of higher education during the semester in which the cohort graduates.

STEP FOUR: Determine the total number of students determined under STEP TWO who have graduated during the current reporting year or a previous reporting year.

STEP FIVE: Divide:

(A) the number determined under STEP FOUR; by

(B) the remainder determined under STEP THREE.

SECTION 13. IC 20-33-2-10, AS AMENDED BY P.L.144-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. (a) Each public school shall and each private school may require a student who initially enrolls in the school to provide:

(1) the name and address of the school the student last attended; and

(2) a certified copy of the student's birth certificate or other reliable proof of the student's date of birth.

(b) Not more than fourteen (14) days after initial enrollment in a school, the school shall request the student's records from the school the student last attended.

(c) If the document described in subsection (a)(2):

(1) is not provided to the school not more than thirty (30) days after the student's enrollment; or

(2) appears to be inaccurate or fraudulent;

the school shall notify the Indiana clearinghouse for information on missing children and missing endangered adults **and unidentified persons unit** established under ~~IC 10-13-5-5~~ by IC 4-6-15-8 and determine if the student has been reported missing.

(d) A school in Indiana receiving a request for records shall send the records promptly to the requesting school. However, if a request is received for records to which a notice has been attached under IC 31-36-1-5 (or IC 31-6-13-6 before its repeal), the school:

(1) shall immediately notify the Indiana clearinghouse for information on missing children and missing endangered adults; **and unidentified persons unit;**



(2) may not send the school records without the authorization of the clearinghouse; unit; and

(3) may not inform the requesting school that a notice under IC 31-36-1-5 (or IC 31-6-13-6 before its repeal) has been attached to the records.

(e) Notwithstanding subsection (d), if a parent of a child who has enrolled in an accredited nonpublic school is in breach of a contract that conditions release of student records on the payment of outstanding tuition and other fees, the accredited nonpublic school shall provide a requesting school sufficient verbal information to permit the requesting school to make an appropriate placement decision regarding the child.

SECTION 14. IC 31-34-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. A child is a child in need of services if before the child becomes eighteen (18) years of age:

(1) the child is a missing child (as defined in ~~IC 10-13-5-4~~; **IC 4-6-15-3**); and

(2) the child needs care, treatment, or rehabilitation that:

(A) the child is not receiving; and

(B) is unlikely to be provided or accepted without the coercive intervention of the court.

SECTION 15. IC 31-34-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. A child may be taken into custody by:

(1) a law enforcement officer;

(2) a probation officer; or

(3) a caseworker;

acting with probable cause to believe the child is a child in need of services because the child is a missing child (as defined in ~~IC 10-13-5-4~~; **IC 4-6-15-3**).

SECTION 16. IC 31-34-2-5, AS AMENDED BY P.L.43-2009, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. If a child in need of services is a missing child and is taken into custody under a court order, the person taking the child into custody shall do the following:

(1) Take the child to a place designated in the order.

(2) Give notice to the following that the child has been taken into custody:

(A) The child's legal custodian.

(B) The ~~Indiana clearinghouse for information on missing children and missing endangered adults and unidentified persons unit~~ established by ~~IC 10-13-5~~; **IC 4-6-15-8**.



1 SECTION 17. IC 31-34-2.5-2, AS AMENDED BY P.L.43-2009,
 2 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2015]: Sec. 2. (a) Immediately after an emergency medical
 4 services provider takes custody of a child under section 1 of this
 5 chapter, the provider shall notify the department of child services that
 6 the provider has taken custody of the child.

7 (b) The department of child services shall:

8 (1) assume the care, control, and custody of the child immediately
 9 after receiving notice under subsection (a); and

10 (2) not later than forty-eight (48) hours after the department of
 11 child services has taken custody of the child, contact the Indiana
 12 clearinghouse for information on missing children and missing
 13 endangered adults and unidentified persons unit established by
 14 ~~IC 10-13-5-5~~ **IC 4-6-15-8** to determine if the child has been
 15 reported missing.

16 SECTION 18. IC 31-36-1-3, AS AMENDED BY P.L.43-2009,
 17 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2015]: Sec. 3. Upon completion of the report required by
 19 section 1 of this chapter, the law enforcement agency shall immediately
 20 forward the contents of the report to:

21 (1) all law enforcement agencies that have jurisdiction of the
 22 location in which the missing child lives and all law enforcement
 23 agencies that have jurisdiction of the location in which the
 24 missing child was last seen;

25 (2) all law enforcement agencies to which the person who
 26 provided notification requests the report be sent, if the law
 27 enforcement agency determines that the request is reasonable in
 28 light of the information contained in the report;

29 (3) all law enforcement agencies that request a copy of the report;

30 (4) the Indiana clearinghouse for information on missing children
 31 and missing endangered adults and unidentified persons unit
 32 established by ~~IC 10-13-5~~ **IC 4-6-15-8**;

33 (5) the Indiana data and communication system (IDACS); and

34 (6) the National Crime Information Center's Missing Person File.

35 SECTION 19. IC 31-36-1-5, AS AMENDED BY P.L.43-2009,
 36 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2015]: Sec. 5. (a) Upon receiving a report under section 4 of
 38 this chapter, a school shall attach a notice to the child's school records
 39 stating that the child has been reported missing. The school shall
 40 remove the notice when the school is notified under IC 31-36-2-6 that
 41 the child has been found.

42 (b) If a request for the school records of a missing child is received,



the school shall:

(1) obtain:

(A) the name, address, and telephone number of the person making the request; and

(B) the reason that the person is requesting the school records; and

(2) immediately notify the Indiana ~~clearinghouse for information on missing children and missing endangered adults~~ **and unidentified persons unit established by IC 4-6-15-8.**

(c) The school may not issue a copy of school records without authorization from the Indiana ~~clearinghouse for information on missing children and missing endangered adults~~ **and unidentified persons unit** and may not inform the person making the request that a notice that the child has been reported missing has been attached to the child's records.

SECTION 20. IC 31-36-2-2, AS AMENDED BY P.L.43-2009, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. A law enforcement agency involved in the investigation of a missing child shall do the following:

(1) Update the initial report filed by the agency that received notification of the missing child upon the discovery of new information concerning the investigation.

(2) Forward the updated report to the agencies and organizations listed in IC 31-36-1-3.

(3) Search the National Crime Information Center's Wanted Person File for reports of arrest warrants issued for persons who allegedly abducted or unlawfully retained children and compare these reports to the missing child's National Crime Information Center's Missing Person File.

(4) Notify all law enforcement agencies involved in the investigation, the Indiana ~~clearinghouse for information on missing children and missing endangered adults~~ **and unidentified persons unit**, and the National Crime Information Center when the missing child is located.

SECTION 21. IC 31-36-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) A state or local governmental agency or a public or private organization maintaining a record of the fingerprints of a child shall release a copy of that record to a law enforcement agency if:

(1) the child is a missing child (as defined in ~~IC 10-13-5-4~~; **IC 4-6-15-3**);

(2) a parent or guardian of the child provides written consent for



1 the release of the record; and

2 (3) the law enforcement agency requests a copy of the record.

3 (b) Except as provided in IC 31-39-5, a record of the fingerprints of
4 a child taken and retained by a state or local governmental agency shall
5 be destroyed when the child becomes eighteen (18) years of age.

6 SECTION 22. IC 34-30-2-2.4 IS ADDED TO THE INDIANA
7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2015]: **Sec. 2.4. IC 4-6-15-13 (Concerning a**
9 **broadcaster or an electronic billboard operator that displays an**
10 **Amber alert notification, a silver alert notification, an Amber alert**
11 **Internet web site, or a silver alert Internet web site under an**
12 **agreement with the attorney general's office).**

13 SECTION 23. IC 34-30-2-35.7, AS AMENDED BY P.L.38-2013,
14 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2015]: Sec. 35.7. ~~IC 10-13-5-8.5 and IC 10-13-8-12~~
16 (Concerning a broadcaster who broadcasts or an electronic billboard
17 operator who displays ~~an Amber alert notification, silver alert~~
18 ~~notification, or a blue alert notification~~ and a person who establishes
19 or maintains ~~an Amber alert web site, silver alert web site, or a blue~~
20 ~~alert web site under an agreement with the state police department).~~

21 SECTION 24. IC 35-38-2-2.3, AS AMENDED BY P.L.13-2013,
22 SECTION 138, IS AMENDED TO READ AS FOLLOWS
23 [EFFECTIVE JULY 1, 2015]: Sec. 2.3. (a) As a condition of probation,
24 the court may require a person to do a combination of the following:

25 (1) Work faithfully at suitable employment or faithfully pursue a
26 course of study or career and technical education that will equip
27 the person for suitable employment.

28 (2) Undergo available medical or psychiatric treatment and
29 remain in a specified institution if required for that purpose.

30 (3) Attend or reside in a facility established for the instruction,
31 recreation, or residence of persons on probation.

32 (4) Participate in a treatment program, educational class, or
33 rehabilitative service provided by a probation department or by
34 referral to an agency.

35 (5) Support the person's dependents and meet other family
36 responsibilities.

37 (6) Make restitution or reparation to the victim of the crime for
38 damage or injury that was sustained by the victim. When
39 restitution or reparation is a condition of probation, the court shall
40 fix the amount, which may not exceed an amount the person can
41 or will be able to pay, and shall fix the manner of performance.

42 (7) Execute a repayment agreement with the appropriate



governmental entity to repay the full amount of public relief or assistance wrongfully received, and make repayments according to a repayment schedule set out in the agreement.

(8) Pay a fine authorized by IC 35-50.

(9) Refrain from possessing a firearm or other deadly weapon unless granted written permission by the court or the person's probation officer.

(10) Report to a probation officer at reasonable times as directed by the court or the probation officer.

(11) Permit the person's probation officer to visit the person at reasonable times at the person's home or elsewhere.

(12) Remain within the jurisdiction of the court, unless granted permission to leave by the court or by the person's probation officer.

(13) Answer all reasonable inquiries by the court or the person's probation officer and promptly notify the court or probation officer of any change in address or employment.

(14) Perform uncompensated work that benefits the community.

(15) Satisfy other conditions reasonably related to the person's rehabilitation.

(16) Undergo home detention under IC 35-38-2.5.

(17) Undergo a laboratory test or series of tests approved by the state department of health to detect and confirm the presence of the human immunodeficiency virus (HIV) antigen or antibodies to the human immunodeficiency virus (HIV), if:

(A) the person had been convicted of an offense relating to a criminal sexual act and the offense created an epidemiologically demonstrated risk of transmission of the human immunodeficiency virus (HIV); or

(B) the person had been convicted of an offense relating to a controlled substance and the offense involved:

(i) the delivery by any person to another person; or

(ii) the use by any person on another person; of a contaminated sharp (as defined in IC 16-41-16-2) or other paraphernalia that creates an epidemiologically demonstrated risk of transmission of HIV by involving percutaneous contact.

(18) Refrain from any direct or indirect contact with an individual and, if convicted of an offense under IC 35-46-3, any animal belonging to the individual.

(19) Execute a repayment agreement with the appropriate governmental entity or with a person for reasonable costs incurred because of the taking, detention, or return of a missing child (as



defined in ~~IC 10-13-5-4~~; **IC 4-6-15-3) or a missing person (as defined in IC 4-6-15-5).**

(20) Periodically undergo a laboratory chemical test (as defined in IC 9-13-2-22) or series of chemical tests as specified by the court to detect and confirm the presence of a controlled substance (as defined in IC 35-48-1-9). The person on probation is responsible for any charges resulting from a test and shall have the results of any test under this subdivision reported to the person's probation officer by the laboratory.

(21) If the person was confined in a penal facility, execute a reimbursement plan as directed by the court and make repayments under the plan to the authority that operates the penal facility for all or part of the costs of the person's confinement in the penal facility. The court shall fix an amount that:

(A) may not exceed an amount the person can or will be able to pay;

(B) does not harm the person's ability to reasonably be self supporting or to reasonably support any dependent of the person; and

(C) takes into consideration and gives priority to any other restitution, reparation, repayment, or fine the person is required to pay under this section.

(22) Refrain from owning, harboring, or training an animal.

(23) Participate in a reentry court program.

(b) When a person is placed on probation, the person shall be given a written statement specifying:

(1) the conditions of probation; and

(2) that if the person violates a condition of probation during the probationary period, a petition to revoke probation may be filed before the earlier of the following:

(A) One (1) year after the termination of probation.

(B) Forty-five (45) days after the state receives notice of the violation.

(c) As a condition of probation, the court may require that the person serve a term of imprisonment in an appropriate facility at the time or intervals (consecutive or intermittent) within the period of probation the court determines.

(d) Intermittent service may be required only for a term of not more than sixty (60) days and must be served in the county or local penal facility. The intermittent term is computed on the basis of the actual days spent in confinement and shall be completed within one (1) year. A person does not earn credit time while serving an intermittent term



1 of imprisonment under this subsection. When the court orders
2 intermittent service, the court shall state:

- 3 (1) the term of imprisonment;
- 4 (2) the days or parts of days during which a person is to be
5 confined; and
- 6 (3) the conditions.

7 (e) Supervision of a person may be transferred from the court that
8 placed the person on probation to a court of another jurisdiction, with
9 the concurrence of both courts. Retransfers of supervision may occur
10 in the same manner. This subsection does not apply to transfers made
11 under IC 11-13-4 or IC 11-13-5.

12 (f) When a court imposes a condition of probation described in
13 subsection (a)(18):

- 14 (1) the clerk of the court shall comply with IC 5-2-9; and
- 15 (2) the prosecuting attorney shall file a confidential form
16 prescribed or approved by the division of state court
17 administration with the clerk.

18 (g) As a condition of probation, a court shall require a person:

- 19 (1) convicted of an offense described in IC 10-13-6-10;
- 20 (2) who has not previously provided a DNA sample in accordance
21 with IC 10-13-6; and
- 22 (3) whose sentence does not involve a commitment to the
23 department of correction;

24 to provide a DNA sample as a condition of probation.

25 (h) If a court imposes a condition of probation described in
26 subsection (a)(4), the person on probation is responsible for any costs
27 resulting from the participation in a program, class, or service. Any
28 costs collected for services provided by the probation department shall
29 be deposited in the county or local supplemental adult services fund.

30 SECTION 25. IC 35-44.1-2-3, AS AMENDED BY P.L.168-2014,
31 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2015]: Sec. 3. (a) As used in this section, "consumer product"
33 has the meaning set forth in IC 35-45-8-1.

34 (b) As used in this section, "misconduct" means a violation of a
35 departmental rule or procedure of a law enforcement agency.

36 (c) A person who reports, by telephone, telegraph, mail, or other
37 written or oral communication, that:

- 38 (1) the person or another person has placed or intends to place an
39 explosive, a destructive device, or other destructive substance in
40 a building or transportation facility;
- 41 (2) there has been or there will be tampering with a consumer
42 product introduced into commerce; or



(3) there has been or will be placed or introduced a weapon of mass destruction in a building or a place of assembly; knowing the report to be false, commits false reporting, a Level 6 felony.

(d) A person who:

(1) gives a false report of the commission of a crime or gives false information in the official investigation of the commission of a crime, knowing the report or information to be false;

(2) gives a false alarm of fire to the fire department of a governmental entity, knowing the alarm to be false;

(3) makes a false request for ambulance service to an ambulance service provider, knowing the request to be false;

(4) gives a false report concerning a missing child (as defined in ~~IC 10-13-5-4~~ **IC 4-6-15-3**), a **missing person** (as defined in **IC 4-6-15-5**) or missing endangered adult (as defined in IC 12-7-2-131.3 **or IC 4-6-15-4**) or gives false information in the official investigation of a missing child, **missing person**, or missing endangered adult knowing the report or information to be false;

(5) makes a complaint against a law enforcement officer to the state or municipality (as defined in IC 8-1-13-3(b)) that employs the officer:

(A) alleging the officer engaged in misconduct while performing the officer's duties; and

(B) knowing the complaint to be false;

(6) makes a false report of a missing person, knowing the report or information is false; or

(7) gives a false report of actions, behavior, or conditions concerning a septic tank soil absorption system under IC 8-1-2-125 or IC 13-26-5-2.5 knowing the report or information to be false;

commits false informing, a Class B misdemeanor. However, the offense is a Class A misdemeanor if it substantially hinders any law enforcement process or if it results in harm to another person.

